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Resolutions of the First Synod of Old
Catholics of the German Empire

HELD AT BONN 27-29 MAY 1874;

WITH

THE ARTICLES ADOPTED BY THE CONFERENCE

HELD AT BONN 14-16 SEPT. 1874.

Edited for the Anglo-Continental Society,

BY THE

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RESOLUTIONS OF THE SYNOD,

BONN 27—29 MAY 1874.

I.

CONSTITUTION OF THE SYNOD AND CONGREGATION.

The same, with mere verbal changes, as was adopted by the delegates at Constance; a complete translation was given in the *Guardian* newspaper 1 Oct. 1873. A summary of its seventy articles may here suffice:

‘The bishop (appointed by an absolute majority of the synod) is assisted by a synodal committee of nine members, four ecclesiastics and five laymen. He may choose a vicar-general from among these four ecclesiastics, or (with the consent of the synodal committee) from the entire body of the clergy. The synodal committee is named by the synod. The synod meets once a year (its first meeting was last Whitsuntide); it is composed of the bishop, of the synodal committee, of all the clergy of the diocese, and of one delegate for every 200 men. Each parish has its church council, varying in number from six to eighteen, elected for three years and re-eligible. All men of full age are electors who declare that they adhere to the catholic religion and are formally enrolled as members of the parish, or presented as such by authorised persons. The parochial assembly meets at least once a year: it is composed of all male members of the church who are of age and in the enjoyment of civil rights; it nominates the incumbents, curates and members of the synod; it fixes the budget and ecclesiastical contributions. No one can be nominated incumbent who does not satisfy the requirements of the canon and the national law, and who has not passed a theological examination, held after the close of a three years’

university course, by a committee of three theologians and one canonist under the presidency of the bishop or his deputy. The examiners are selected by the bishop out of a board of six, four theologians and two canonists, yearly appointed by the synod. All fees are abolished.'

II.

ORDER OF BUSINESS IN THE SYNOD.

[Technical.]

III.

PRINCIPLES RELATING TO REFORMS IN GENERAL.

1. At the Cologne congress was adopted the declaration : 'The authoritative examination of the deeply felt abuses and the carrying out the of corresponding reforms in the sphere of discipline and worship remains reserved to the constitutional organs of the church.'

These constitutional organs of the church are the synods, which are by the nature of the case as well general, as special ; which are entitled, in order to pave the way for or carry out reforms, to abolish or alter existing church laws, and to issue new laws.

2. The present synod may regard itself as authorised to vote such regulations, as according to ancient ecclesiastical law lay within the competence of every particular synod.

3. In judging definite proposals and wishes relating to reforms, account must be taken, not only whether the resolutions proposed are in themselves allowable and desirable and within the competence of the synod, but also whether under the circumstances of the moment it is advisable to bring on for discussion the wishes and proposals in question.

4. In general we must adhere to the rule, to choose in the first instance for topics of deliberation in the synod those matters, which press most urgently for solution and on which a unanimous resolution may be confidently looked for as the goal of the debates, and in the next place to defer those matters, which on the one hand are not urgent, and on the other hand require a previous explanation in detail, oral and written, or, if prematurely taken in hand, might endanger

harmony, or provoke misunderstandings and misinterpretations.

5. Many matters of this kind may profitably be deferred, until the organisation of the Old Catholic church corporation is further advanced, until the number of congregations and of clergy in active service is larger, and until laity and clergy have gathered richer stores of experience in the newly organised congregational life.

6. The regular holding of yearly synods supplies the best means, on the one hand of securing to all wishes and proposals relating to reforms a careful examination and appropriate settlement, and on the other hand of preventing premature and arbitrary reform on the part of individual clergymen and congregations. All wishes and proposals relating to any changes in the existing discipline are to be brought before the synod in the manner prescribed by the *Constitution for the Synod and Congregation*, and its conclusions are conscientiously to be followed. No clergyman and no congregation may according to their own judgement adopt any changes in discipline and liturgy, for which by ecclesiastical law the bishop's consent is requisite.

7. The bishop, in concert with the *Synodal-Repräsentanz*, has to ensure, that the conclusions of the synods be followed, and no arbitrary changes adopted in discipline and liturgy. The regulations made in this behalf by the bishop in concert with the *Synodal-Repräsentanz*, whether on their own judgement, or on the ground of questions, grievances or proposals of individual persons or congregations, are in any case conscientiously to be followed until the next synod.

8. Already at Cologne it was observed, and the synod again expressly observes, that a number of wholesome reforms can be carried out without any change of the existing church laws. To these belong:

(a) the abolition of fees for masses, surplice fees etc.

(b) the like treatment of poor and rich in church functions, marriages, burials etc.

(c) the avoidance of the abuses and offshoots of indulgences, veneration of the saints, scapularies etc.

(d) the carrying out of truly Christian and old catholic principles in the administration of the office of preaching

and in catechetical instructions, especially abstinence from all theological subtleties, confessional bitternesses, ecclesiastico-political declamations etc.

(e) the administration of the sacrament of penance in a truly Christian spirit;

(f) the arrangement of public worship in a way corresponding to the religious needs of the congregation;

(g) the regulation of the affairs of the congregation by the harmonious cooperation of the clergy and of the church officers elected by the congregations.

IV.

DECLARATIONS RESPECTING THE SO-CALLED AURICULAR CONFESSION.

1. The sacrament of penance is a means of grace of the greatest moral significance, which in essentials has been from the beginning practised in the church, and the right regulation whereof must be a main concern of the church.

2. The personal self-accusation of him who desires to receive the sacrament of penance—as in the ancient church it was in use in many public ways, afterwards only in the form of private confession,—and the reception of priestly absolution are worthless without repentance, without faith in Christ's redeeming work and without the desire to partake of Christ's redeeming grace.

3. The decision about the necessity or profit of receiving the sacrament of penance is in the main to be referred to the personal judgement and self-knowledge of the individuals themselves.

4. Whoever will receive the holy communion, has according to the apostle's injunction (1 Cor. xi 28) to prove himself beforehand. On the other hand no general obligation exists to receive the sacrament of penance before the communion.

5. The so-called commandment of the church, to confess at least once in the year, is not obligatory for those, for whom there exists no inward necessity to receive the sacrament of penance. There should be no registration of yearly confessions and communions, nor any imposition of church censures on account of non-observance of the same. Here

however the synod must observe, that it is to be esteemed a sacred duty often to go to the Lord's table, especially, according to the ancient usage, at the season of Easter.

6. The manner of the self-accusation (n. 2) is to be determined according to the personal needs of the individuals, and that in the main by themselves after conscientious self-examination.

7. A religious obligation to special confession exists only with regard to sins, whereby a man is conscious of having lost divine grace.

8. Special confession is to be recommended also for those, who though not precisely guilty of grievous sins, yet are conscious of special slighter transgressions and deplore them, or who feel the need of accusing themselves once more of sins before committed and already confessed, not perhaps with so heartfelt repentance. On the other hand it is an abuse, if, as often happens, it is recommended as a general rule to confess as frequently as possible, and if then, in order to establish the possibility of frequent confession, it is said, if one has no grievous sins to confess, one must confess sins venial or already confessed,—simply in order to win an object for the absolution, a *materia sacramenti*.

9. Confession in itself is not designed to enable the party-confessing to ask of the father confessor advice in regard to his temptations, duties, circumstances, resolutions etc. The Jesuit practice of inviting people to the confessional for instruction, advice etc., is to be reprobated. Catechetical instruction and preaching should lead the faithful to act according to their own conscience, and, where they need advice, to apply to those who from the nature of the case are best qualified to give it, therefore in the first instance to parents, husband or wife, brothers and sisters, friends etc. The functions of the priest administering the sacrament of penance and of the adviser of conscience are not so intimately connected, as they are often conceived to be in the 'father confessor' according to the Jesuit conception.

10. It is not however to be deemed unlawful, that confession should also be used for the purpose of asking instruction and counsel from the priest. There are cases in which he is in a position to impart instruction and counsel,

and in which individuals prefer to unbosom themselves to him, because they not only personally repose special trust in him, but also are guarded from indiscretions by the seal of confession.

11. The priests in catechetical instruction and in preaching will neither recommend as a rule nor controvert in principle the so-called confession of devotion (n. 8) and the practice of asking questions of the father confessor. Nor will they encourage the one or the other by their demeanour towards the persons confessing; in particular they will abstain most strictly from all needless questions, all meddling with personal or family affairs, and every attempt to win by confession an influence on the persons confessing and to be towards them anything else than the ministers of a means of salvation appointed by Christ for the weal and comfort of the faithful.

12. In connexion with the reforms in the sphere of public worship, we must also keep in view the institution of a common confessional devotion with a general confession of sins as a preparation for the common reception of the holy communion. Such a confessional devotion however is not to take the place of sacramental confession, which on the contrary is still retained for those who are bound or who desire to make a special confession (n. 7. 8).

13. It is very intelligible that the terrible abuse often made of the institution of auricular confession, has called forth a very general repugnance against it, nay even a demand for its entire abolition. Even if such an entire abolition were in itself allowable, it would not be justified, inasmuch as the institution of confession is capable of an administration favorable to true morality and in particular special confession is to many a source of comfort and tranquillity. A genuine church reform has not to abolish what is capable of reform, but to purge it of offshoots and abuses, to bring it back to the Christian and catholic foundation and to remodel it in accordance with this foundation and the religious needs of the present. These needs differ according to the special character and circumstances of individuals. In the above propositions account has been taken of this difference. An administration of the sacrament of penance corresponding to

these propositions removes all unchristian constraint, without however depriving any one of that, which may for him be salutary.

V.

DECLARATIONS RESPECTING FASTING AND ABSTINENCE.

1. The primitive exercise of fasting, in compliance with Jewish custom and after the pattern of Christ Himself (Acts xiii 2 seq.; xiv 22) was practised already by the apostles.

2. Beside the prohibitions of eating blood and beasts slaughtered by strangling (Acts xv 29),—prohibitions adapted to transitory circumstances and gradually disused,—the apostles issued no special rules or laws respecting fasting.

3. The days and periods of fasting observed in the primitive church are to be retained as periods (days) of penance or preparation for the church festivals to which they relate.

4. To lay down special directions (still more to enact laws) respecting the extent or manner of fasting, lies beyond the competence of church authorities, because the question how this exercise is to be used depends partly on circumstances of climate, partly on the occupation, habits and bodily constitution of each individual.

5. The manifold legal prescriptions (savouring of Pharisaism) relating to the kind and quantity of foods allowed on fast-days, have obscured the correct idea on which the exercise of fasting is founded. For people of small means fasting has become a sore burden, while the more affluent are able more or less to make up in another way for what they forego, or even to procure themselves in its stead an enjoyment more to their mind. The prohibition of meat diet and allowance of fish may according to the individual taste seem even desirable. The use of spirituous liquors, which according to the opinion prevalent in the church is deemed not to break the fast, in very great measure lightens the burden of fasting.

6. It not only contradicts the right idea of fasting to alleviate or excuse it for money payments, but to issue at all so-called dispensations from fasting. For by fasting in the

pure, Christian sense is to be understood, not the denial of the nourishment needful to the frame for a sound bodily and spiritual life, but the denying oneself in meat and drink anything beyond the quantity absolutely indispensable. In this abstinence exercised voluntarily and in the right temper, lies a wholesome self-control of moral and religious value.

7. The command of abstinence, in the form existing for centuries past, rests in part upon erroneous assumptions. In so far as by its observance the purpose of fasting, as just stated, is attained, its wholesomeness cannot be disputed. On the other hand the outward legal conception of it, according to which restraint from certain meats on appointed days in obedience to the command of the church is deemed a virtuous action, and transgression of it a sin, mistakes the proper significance of abstinence. Therefore in regard to this latter also every one must regulate his conduct with rational and Christian regard to all circumstances, his constitution of body, domestic relations, the established usage and habit in his neighbourhood etc.

VI.

DECLARATIONS RESPECTING THE INTRODUCTION OF THE VULGAR TONGUE IN DIVINE SERVICE.

1. It is desirable, that in public worship and in the administration of the sacraments the vulgar tongue be employed as the liturgical language.

2. It ought not to be left to the individual clergymen and congregations to adopt a reform in this direction; rather it must be reserved to the synod.

3. Such a reform can only be carried out slowly and gradually, for this reason, if for no other, that the completion of the necessary liturgical books demands thorough preliminary labours and a careful examination.

4. These preliminary labours are in the first instance to be confined to the ritual. After its completion and acceptance by the next synod further preliminary labours are to be undertaken.

5. For the present the resolution of the Cologne congress remains in force (p. VIII n. 7): 'We must adhere, as far as

may be, to the usual liturgical arrangements. The use of the German language in the administration of the sacraments and other ecclesiastical acts, *e. g.* at funerals, is allowable, to the extent in which it is or was the established usage in various dioceses.'

VII.

RESOLUTIONS RESPECTING THE PUBLICATION OF A CATECHISM, A BIBLE HISTORY AND A RITUAL.

For the next years we must keep in view the preparation of new, revised editions of the liturgical books (missal, breviary, ritual), the publication of new catechisms, bible histories, manuals of religion, prayer- and hymn-books, popular sketches of church history etc.

The most urgent of these labours is the preparation of a catechism, a bible history and a ritual. Therefore two committees must be named, the one charged with the composition of the catechism and bible history, the second with the publication of a rituale.

The two commissions have to delegate the preliminary labours to competent persons. Wishes and proposals relating to their works are to be sent to a member to be designated by them. The committees have to submit the works approved by them to the bishop and the *Synodal-Repräsentanz*; when approved by them also, they may be printed and recommended for use. The definitive sanction of them is reserved to the synod.

The *Synodal-Repräsentanz* may, from the funds committed to it for administration, assign to each committee sums to the amount of 100 dollars. The next synod will adopt resolutions about the defraying of the costs, the authors' *honorarium* and the arrangements with the trade for the sale.

The first commission has in the first instance to provide for the composition of a short catechism suited to the elementary schools, next for the composition of a bible history suited to the elementary schools, then for the composition of a larger guide for the religious instruction in the highest classes of the elementary schools, and in the lower

and middle classes of classical (*Gymnasien*) and commercial schools (*Realschulen*).

The lesser catechism must refer to the bible history, so that it may also be printed as an appendix to the same. It should contain only the essentials of the catholic doctrine in a style as plain and intelligible as may be, avoiding all questions of the schools and of controversy.

In the larger guide special regard is to be had to a correct representation of the doctrine of the church. Further, suitable extracts from holy scripture are to be printed therein at length in the proper places. Also a short help to the knowledge of the Bible (*Bibelkunde*) and a summary of church history is to be appended.

The ritual to be published must contain :

1. The Latin formularies for the dispensing of the sacraments and for other usual liturgical acts contained in the Roman ritual and the most important diocesan books of offices (*Agenden*).

2. A German translation (to be borrowed from the diocesan books of offices or newly made) of such portions of those formularies as are adapted for use in the German language.

3. A German liturgy for the dispensing of the sacraments and other acts, to be selected from German rituals (of Wessenberg and others) or newly composed, and besides some formularies for short addresses at baptisms, marriages, funerals etc. (A collection of prayers for *united* devotions is reserved for the prayerbook hereafter to be composed).

VIII.

EXPLANATION RELATING TO § 30 OF THE CONSTITUTION FOR SYNOD AND CONGREGATION.

[Settles a technical question about voting at the synod, and the requisite *quorum*.]

IX.

RESOLUTIONS RESPECTING THE ELECTION OF DELEGATES AND THE AGENDA (*Vorlagen*) FOR THE NEXT SYNOD.

[Also technical].

X.

RESOLUTION RESPECTING THE REFUSAL OF RECOGNITION
TO THE BISHOP IN BAVARIA.

The *Synodal-Repräsentanz* is commissioned to consider how the position of things in Bavaria can be remedied, and for this end

(a) to request the Munich central committee to forward to the *Synodal-Repräsentanz* a *Pro memoria* with definite proposals and a detailed statement of reasons (*ein motivirtes Promemoria*):

(b) to consider, whether it appears desirable to address to the Bavarian parliament a complaint because we have been refused the right of the free exercise of religion, or whether a memorial is to be addressed to the king of Bavaria, or to the imperial chancellor (federal council) or imperial parliament;

(c) to lay definite proposals before the next synod, in case no redress be granted before that time.

XI.

RESOLUTIONS RELATING TO MARRIAGE-CONTRACTS AND
KEEPING THE CHURCH-BOOKS.

1. In so far as the impediments to marriage (a) of consanguinity in the third and fourth degree, (b) of affinity in the second degree and in the following degrees of the collateral line, (c) of spiritual relationship, (d) of civil relationship, (e) of the *affinitas ex copula illicita* in the collateral line—are not recognised in the state laws, the pastor may undertake the marriage ceremony without dispensation from them.

2. No pastor may undertake a marriage ceremony until the state requirements have been completely satisfied, and he is assured, in the legal or in some trustworthy way, that this has been done.

3. In regard to mixed marriages (between catholics and members of other Christian confessions) no bond or formal promises in regard to the children's education are to be exacted.

4. Where by the state laws civil registration exists, the church-books are to be limited :

(a) for *baptism* to the statement of the father's and mother's name (in the case of illegitimate children of the mother's only, unless the father himself makes the declaration), of the sponsors, of the date (year, month, day) of birth and baptism ;

(b) for marriage to the statement that Mr. _____ and Mrs. _____, united by a civil form on the _____, were in presence of the witnesses _____ on the _____ married with the church's blessing.

(c) for *death* to the name of the deceased and the day of the burial.

The *Synodal-Repräsentanz* has to draw up and print the forms in accordance with these resolutions, and to send them to the several congregations on payment of the costs.

XII.

MEMBERS OF THE SYNODAL-REPRAESENTANZ,
ELECTED ON THE 29TH OF MAY 1874.

A. *Ordinary members.*

Professors v. Schulte (2nd president), Knoodt and Langen of Bonn; Dr. Hasenclever of Düsseldorf; Appellations-Gerichts-Rath Rottels of Cologne; Prof. Reusch vicar general.

B. *Extraordinary members.*

Professors Cornelius and Friedrich of Munich; Prof. Gengler of Erlangen; Prof. Michelis of Braunsberg.

Synodal examiners, chosen on the 29th of May 1874.

Professors Knoodt, Langen, Reusch, v. Schulte of Bonn ;
Pastor Tangermann and App.-Ger.-Rath Rottels of Cologne.

CONFERENCE OF BONN,

HELD SEPT. 14, 15, 16, 1874.

PRELIMINARY DECLARATION.

THE way in which the word *filioque* was inserted into the Nicene Creed was illegal, and, with a view to future peace and unity, it is much to be desired that the whole church should seriously set itself to consider whether the creed could possibly be restored to its primitive form, without sacrifice of any true doctrine expressed in the present western form.

ARTICLES AGREED TO.

1. The apocryphal or deutero-canonical books of the Old Testament are not of the same canonicity as the books contained in the Hebrew canon.

2. No translation of Holy Scripture can claim an authority superior to that of the original text.

3. The reading of Holy Scripture in the vulgar tongue cannot lawfully be forbidden.

4. In general it is more fitting and in accordance with the spirit of the church that the liturgy should be in the tongue understood by the people.

5. Faith working by love, not faith without love, is the means and condition of man's justification before God.

6. Salvation cannot be merited by merit of condignity, because there is no proportion between the infinite worth of the salvation promised by God and the finite worth of man's works.

7. The doctrine of "opera supererogationis" and of a "thesaurus meritorum sanctorum," *i. e.* that the overflowing merits of the saints can be transferred to others either by

the rulers of the church, or by the authors of the good works themselves, is untenable.

8. (a) The number of the sacraments was fixed at seven first in the 12th century, and then was received into the general teaching of the church, not as a tradition coming down from the apostles or from the earliest times, but as the result of theological speculation.

(b) Roman catholic theologians (*e.g.* Bellarmine) acknowledge and we acknowledge with them that Baptism and the Holy Eucharist are 'principalia, praecepta, eximia salutis nostrae sacramenta.'

9. (a) The Holy Scriptures being recognised as the primary rule of the faith, we agree that genuine tradition, *i.e.* the unbroken transmission, partly oral, partly by writing, of the doctrine delivered by Jesus Christ and the apostles, is an authoritative source of teaching for all successive generations of Christians.

This tradition is partly to be found in the consensus of the great ecclesiastical bodies, standing in historical continuity with the primitive church, partly is to be gathered by a scientific method from the written documents of all centuries.

(b) We acknowledge that the church of England, and the churches derived through her, have maintained unbroken the episcopal succession.¹

10. We reject the new Roman doctrine of the immaculate conception of the Blessed Virgin Mary, as being contrary to the tradition of the first thirteen centuries, according to which Christ alone is conceived without sin.

11. The practice of confession of sins before the congregation or the priest, together with the exercise of the power of the keys, has come down to us from the primitive church and, purged from abuses and freed from constraint, it should be preserved in the church.

12. Indulgences can only refer to penalties actually imposed by the church herself. .

¹ On this point the Orientals reserved their judgement, on the ground that they had not studied the question. Dr. von Döllinger and Bishop Reinkens declared themselves as fully satisfied of the Anglican, as they were of the Roman, succession.

13. The practice of commemorating the faithful departed, *i. e.* the calling down of a richer outpouring of Christ's grace upon them, has come down to us from the primitive church, and is to be preserved in the church.

14. The Eucharistic celebration in the church is not a continuous repetition or renewal of the propitiatory sacrifice offered once for ever upon the cross, but its sacrificial character consists in this, that it is the permanent memorial of it and a representation (*Darstellung*) and presentation (*Vergegenwärtigung*) on earth of that one oblation of Christ for the salvation of redeemed mankind, which according to the epistle to the Hebrews (ix 11, 12) is continuously presented in heaven by Christ, who now appears in the presence of God for us (ix 24).

While this is the character of the Eucharist in regard to the sacrifice of Christ, it is also a sacred feast, wherein the faithful receiving the body and blood of our Lord have communion one with another (I Cor. x 17).

[We acknowledge that the invocation of saints is not commanded as a duty necessary to salvation for every Christian.]¹

¹ Deferred for the consideration of the next Conference, the Orientals not being prepared to come to a final decision upon it.





